

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 2:21-CV-463-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO., LTD.,)	
SAMSUNG ELECTRONICS AMERICA,)	
INC., SAMSUNG SEMICONDUCTOR,)	
INC.,)	
)	
Defendants.)	
)	

JOINT 4-3 CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local P.R. 4-3 and the Court’s Docket Control Order (Dkt. 34), Plaintiff Netlist, Inc. (“Netlist”) and Defendants Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. (collectively “Samsung”) submit this Joint Claim Construction and Prehearing Statement with regard to the following patents:

- U.S. Pat. No 11,016,918 (the “’918 patent”);
- U.S. Pat. No 11,232,054 (the “’054 patent”);
- U.S. Pat. No 8,787,060 (the “’060 patent”);
- U.S. Pat. No 9,318,160 (the “’160 patent”);
- U.S. Pat. No 10,860,506 (the “’506 patent”); and
- U.S. Pat. No 10,949,339 (the “’339 patent”).

I. P.R. 4-3(a)(1): Agreed Constructions**A. '918 patent**

N/A.

B. '054 patent

Claim(s)	Term	Agreed Construction
'054 patent: 4-7, 11-12, 16-17, 23, and 25-26	“operable state”	“state in which the memory module is operated”
'054 patent: 4-7, 11-12, 16-17, 23, and 25-26	“first operable state”	“state in which the memory module is operated before transition”
'054 patent: 4-7, 11-12, 16-17, 23, and 25-26	“second operable state”	“state in which the memory module is operated after transition”

C. '060, '160 patents

Claim(s)	Term	Agreed Construction
All asserted claims	“A memory package”	The preamble is limiting.

D. '506 patent

Claim(s)	Term	Agreed Construction
1-3, 11, 15, 16	“one or more previous operations”	“one or more previous memory operations” ¹
1	“A memory module operable in a computer system to communicate with a memory controller of the computer system via a memory bus including control and address (C/A) signal lines and a data bus, the memory module comprising”	The preamble is limiting.

¹ See Exhibit A, page 46 for Netlist’s comment on the proposed construction. See Exhibit B, page 23 for Samsung’s comment on the proposed construction.

E. '339 patent

Claim(s)	Term	Agreed Construction
1-3, 11, 14	“N-bit wide write data”	“write data that is N bits in width”
1	“A N-bit-wide memory module mountable in a memory socket of a computer system and configurable to communicate with a memory controller of the computer system via address and control signal lines and N-bit wide data signal lines, the N-bit wide data signal lines including a plurality of sets of data signal lines, each set of data signal lines is a byte wide, the memory module comprising”	The preamble is limiting.
11, 19	“A N-bit-wide memory module mountable in a memory socket of a computer system and configured to communicate with a memory controller of the computer system via address and control signal lines and N-bit wide data signal lines, the N-bit wide data signal lines including a plurality of sets of data signal lines, the memory module comprising”	The preamble is limiting.
27	“A memory module mountable in a memory socket of a computer system and configurable to communicate with a memory controller of the computer system via address and control signal lines and data signal lines, the data signal lines including a plurality of sets of data signal lines, each set of data signal lines is n bit wide, the memory module comprising”	The preamble is limiting.

II. P.R. 4-3(a)(2): Disputed Terms

Exhibits A and B attached hereto contain the parties' proposed constructions for each disputed term, phrase, or clause together with the intrinsic and extrinsic evidence that the parties contend support their proposed constructions.

III. P.R. 4-3(a)(3): Anticipated Length of Time for the Claim Construction Hearing

The parties agree and expect that 3 hours will provide sufficient time to conduct the claim construction hearing.

IV. P.R. 4-3(a)(4): Anticipated Witnesses at the Claim Construction Hearing

The parties may present testimony from the parties' experts opining on claim construction issues in the form of written declarations and/or deposition testimony, to aid the Court in making its findings. As noted in the attached exhibits, Plaintiff may submit an expert declaration from Dr. William Mangione-Smith in support of its claim construction positions and Defendants may submit expert declarations from Dr. David Liu and/or Dr. Paul Min in support of their claim construction positions.

V. P.R. 4-3(a)(5): Other Issues to be Addressed at the Claim Construction Hearing

Currently, the parties do not believe that there are any other issues that might be appropriately addressed at a prehearing conference prior to the claim construction hearing.

Dated: August 19, 2022

Respectfully submitted,

/s/ Jason Sheasby

/s/ Tony Nguyen

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CERTIFICATE OF SERVICE

I hereby certify that, on August 19, 2022, a copy of the foregoing was served to all counsel of record.

/s/ Jason Sheasby
Jason Sheasby